



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

DARIEN C. JUNE, §
Plaintiff, §
§
vs. § CIVIL ACTION 3:23-4995-MGL-SVH
§
DICK SMITH FORD OF COLUMBIA, §
SCOTT FERRY, and JOEY, §
Defendants. §

**AMENDED ORDER ADOPTING THE REPORT AND RECOMMENDATION
TO THE EXTENT PROVIDED HEREIN
AND DISMISSING PLAINTIFF'S TITLE VII CLAIMS
AGAINST THE INDIVIDUAL DEFENDANTS**

Plaintiff Darien C. June (June) filed this lawsuit against Defendants Dick Smith Ford of Columbia (DSF), Scott Ferry (Scott) and Joey (Joey). The complaint relates to June's termination of employment from DSF. June is representing himself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Scott and Joey be dismissed from this matter. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on November 1, 2023, and June filed his objections on November 29, 2023. He also filed a supplement to his objections, in the form of a letter, on January 22, 2024.

The Magistrate Judge suggests the Court dismiss June's defamation claims against Scott and Joey on the grounds he failed to "allege facts necessary to assert a claim of defamation, including, *inter alia*, who made the statement, how the statement was published, or that the statement was false." Report at 3. But, June has arguably done so in his objections and the supplement to his objections. Thus, the Court will sustain his objections in regards to his defamation claims against Scott and Joey and allow those claims to go forward.

The Magistrate Judge also recommends the Court dismiss June's Title VII claims against Scott and Joey, to which June fails to object. Thus, inasmuch as the Court agrees with the Magistrate Judge that those claims should be dismissed, it will dismiss them.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court sustains June's objection regarding his defamation claims against Scott and Joey, adopts the Report to the extent it does not contradict this Order, and incorporates it herein. It is therefore the judgment of the Court June's Title VII claims against Scott and Joey are **DISMISSED WITH PREJUDICE**; but his defamation claims against them will go forward.

The Court hastens to add its decision to allow the defamation claim to go forward is not based on any error whatsoever by the highly esteemed Magistrate Judge. She, of course, lacked the benefit of June's objections and the supplement to his objections when she made her recommendation to dismiss his defamation claims.

IT IS SO ORDERED.

Signed this 4th day of June, 2024, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.